

## Chapter 6 - BOARDS, COMMISSIONS AND COMMITTEES

### Section 6.01 BOARD OF REVIEW.

(a) **Membership.** The Board of Review shall consist of five (5) members and one alternate member appointed by the Town Chairperson and confirmed by the Town Board:

(1) Terms shall be for staggered three year periods and there is no limit on the number of terms a member may serve.

(2) All members must be residents of the Town of Turtle.

(3) No member may serve on a County Board of Review.

(4) The Town Assessor may not be a member of the Board of Review.

(5) The Town Clerk-Treasurer may not serve on the Board of Review.

(6) The Town Clerk shall serve as the Clerk of the Board of Review and keep an accurate record of all of its proceedings.

(7) The members of the Board of Review shall receive such compensation as shall be determined by the Town Board.

(8) No Board of Review may be constituted unless it includes at least one voting member who, within 2 years of the Board's first meeting has attended a training session under section 73.03 (55) of the Wisconsin Statutes and unless that member is the Town's chief executive officer or that officer's designee.

(b) **Meetings.** The Board of Review shall meet annually at any time during the 30 day period beginning on the second Monday of May. The Board of Review shall meet at the Town of Turtle Community Center or such other place as designated by the Town Board. A majority of the Board of Review shall constitute a quorum except that two members may hold any hearing of the evidence required to be held by the Board.

(1) At least 15 days before the first session of the Board of Review, the Clerk of the Board shall publish a Class I notice, place a notice in at least 3 public places and place a notice on the door of the Town of Turtle Community Center of the time and place of the first meeting of the Board of Review.

(2) All meetings of the board of Review shall be publicly held and open to all citizens at all times.

(3) No formal action of any kind shall be introduced, deliberated upon or adopted at any closed session or meeting of a Board of Review.

(4) At its first meeting, the Board of Review:

a. Shall receive the assessment role and sworn statements from the Clerk;

b. Shall be in session at least 2 hours for taxpayers to appear and examine the assessment role and other assessment data;

c. Shall schedule for hearing each written objection that it receives during the first two hours of the meeting or that it received prior to the first meeting;

d. Shall grant a waiver of the 48 hour notice of an intent to file a sworn statement or oral objection if a property owner who does not meet the notice requirement appears before the Board during the first two hours of the meeting, shows good cause for failure to meet the 48 hour notice requirement and files a written objection; and

e. May hear any written objections if the Board gave notice of the hearing to the Property owner and the assessor at least 48 hours before the beginning of the scheduled meeting or if both the property owner and the assessor waive the 48 hour notice requirement.

(5) The Assessor shall be present at the first meeting of the Board of Review.

(6) For each properly filed written objection that the Board receives and schedules during its first meeting, but does not hear at the first meeting. The Board shall notify each objector and the Assessor, at least 48 hours before an objection is to be heard, of the time of that hearing.

(7) If, during any meeting, the Board determines that it cannot hear some of the written objections at the time scheduled for the, it shall create a new schedule, and it shall notify each objector who has been rescheduled, at least 48 hours before the objection is to be heard of the time of hearing.

(8) If an objector fails to provide written or oral notice of an intent to object 48 hours before the first scheduled meeting, fails to request a waiver of the notice requirement, appears before the Board at any time up to the end of the 5<sup>th</sup> day of the session or up to the end of the final day of the session if the session is less than 5 days, and files a written objection and provides evidence of extraordinary circumstances, the Board of Review may waive all notice requirements and hear the objection.

(9) If the assessment role is not completed at the time of the first meeting, the Board shall adjourn for the time necessary to complete the role, and shall post a written notice on the outer door of the place of meeting stating the time to which the meeting is adjourned.

(10) The Town Board by resolution may designate hours during which the Board of Review shall hold its first meeting but not fewer than 2 hours on the first meeting day between 8:00 a.m. and Midnight. Such designation of hours shall only be effective after notice of the resolution has been posted in not less than 3 public places at least 15 days before such first meeting.

(11) The Board of Review may adjourn from time to time until its business is completed. If an adjournment is for more than one day, a written notice shall be posted on the outer door of the place of meeting, stating to what time the meeting is adjourned.

(12) The Clerk shall keep a record in the minute book of all proceedings of the Board.

(c) **Board's Duty.** The Board of Review shall carefully examine the roll or rolls and correct all apparent errors in description or computation and shall add all omitted property as provided in section 70.47(10) of the Wisconsin Statutes. The Board shall not raise or lower the assessment of any property except after a hearing as set forth in this ordinance.

(d) **Removal of a Member.** A member of the Board of Review shall be removed, for the purpose of a hearing on an objection, if any of the following applies:

(1) A person who is objecting to a valuation, at the time that the person provides written or oral notice of an intent to file an objection and at least 48 hours before the first scheduled session of the Board of Review or at least 48 hours before the objection is heard if the objection is one allowed at the first meeting, requests the removal except that no more than one member of the Board of Review may be removed under this paragraph.

(2) A member of the Board of Review has a conflict of interest in regard to the objection.

(3) A member of the Board of Review has a bias in regard to the objection and, if a party requests the removal of a member for a bias, the party submits with the request an affidavit stating that the party believes that the member has a personal bias or prejudice against the party and stating the nature of that bias or prejudice.

A member of the Board of Review who violates section 19.59 of the Wisconsin Statutes by hearing an objection shall recuse himself or herself from that hearing. The Clerk shall provide to the Department of Revenue an affidavit declaring whether the requirement under this paragraph is fulfilled.

If a member or members of the Board of Review are removed or recused under this section, the Board may replace the member or members or its remaining members may hear the objection, except that no fewer than 3 members may hear the objection.

(e) **Comments.** Any person may provide the Town Clerk written comments about valuations, assessment practices and the performance of any assessor. The Clerk shall provide all of those comments to the appropriate Town officer.

(f) **Objection to Valuation.** The Board of Review may not hear an objection to the amount or valuation of property unless, at least 48 hours before the Board's first scheduled meeting, the objector provides to the Board's Clerk written or oral notice of an intent to file an objection, except that, upon a showing of good cause and the submission of a written objection, the Board shall waive that requirement during the first 2 hours of the Board's first scheduled meeting. The Board may also waive that requirement up to the end of the 5th day of the session or up to the end of the final day of the session if the session is less than 5 days. However, the objector must provide proof of extraordinary circumstances for failure to meet the 48 hour requirement and failure to appear before the Board of Review during the first 2 hours of the first scheduled meeting.

(1) Objections to the amount or valuation of property shall first be made in writing and filed with the Clerk of the Board of Review within the first 2 hours of the Board's first scheduled meeting. However, upon evidence of extraordinary circumstances, the Board may waive that requirement up to the end of the 5<sup>th</sup> day of the session or up to the end of the final day of the session if the session is less than 5 days.

(2) The Board may require such objections to be submitted on forms approved by the Department of Revenue, and The Board shall require that any forms include stated valuations of the property in question.

(3) Persons who own land and improvements to that land may object to the aggregate value of that land and improvements to that land, but no person who owns land and improvements may object only to the valuation of the land or only to the valuation of the improvements to the land.

(4) No person shall be allowed in any action or proceedings to question the amount of valuation of property unless such written objection has been filed and such person in good faith presented evidence to the Board in support of such objections and made full disclosure before the Board, under oath, of all of that person's property liable to assessment in the Town and the value thereof. However, the requirement that the objection be made in writing may be waived by express action of the Board of Review.

(5) No person shall be allowed to appear before the Board of Review, to testify to the Board by telephone or to contest the amount of any assessment of real or personal property if the person has refused a reasonable written request by certified mail of the assessor to view such property.

(6) After the first meeting of the Board of Review and before the Board's final adjournment, no person who is scheduled to appear before the Board may contact, or provide information to, a member of the Board about that person's objection except at a session of the Board.

(7) No person may appear before the Board of Review, testify to the Board of Review by telephone or contest the amount of any assessment unless, at least 48 hours before the first meeting of the Board of Review or 48 hours before the objection is heard if the objection is allowed at the first meeting, that person provides to the Clerk of the Board of Review notice as to whether the person will ask for removal of a member. And, if so, which member will be removed and the person's reasonable estimate of the length of time that the hearing will take.

(8) When appearing before the Board of Review, the person shall specify, in writing, the person's estimate of the value of the land and of the improvements that are the subject of the person's objection and specify the information that the person used to arrive at that estimate.

(9) No person may appear before the Board of Review, testify to the Board by telephone or object to a valuation, if that valuation was made by the assessor or the objector using the income method unless the person supplies to the assessor all of the information about income and expenses, as specified in section 73.03 (2a) of the Wisconsin Statutes, that the assessor requests.

(g) **Hearing.** The Board shall hear upon oath all persons who appear before it in relation to the assessment. The Board shall hear upon oath, by telephone, all ill or disabled persons who present to the Board a letter from a physician, surgeon or osteopath that confirms their illness or disability. The Board at such hearing shall proceed as follows:

(1) The Clerk shall swear all persons testifying before it or by telephone in relation to the assessment.

(2) The owner or the owner's representative and the owner's witnesses shall first be heard.

(3) The Board may examine under oath such persons as it believes have fair knowledge of the value of such property.

(4) The Board may and upon request of the assessor shall compel the attendance of witnesses, except objectors who may testify by telephone, and the production of all books, inventories, appraisals, documents and other data which may throw light upon the value of the property.

(5) All proceedings shall be taken in full by a stenographer or by a recording device. The expense thereof shall be paid by the Town. The Board may order that notes be transcribed. The Clerk shall keep a list of persons speaking in order in which they speak.

(6) The Clerk's notes, written objections and all other material submitted to the Board of Review, tape recordings of the proceedings and any other transcript of the proceedings shall

be retained for at least 7 years and shall be available for public inspection. Copies of these items shall be supplied promptly at a reasonable time place to anyone requesting them at the requestor's expense.

(7) All determination of objections shall be made by roll call vote.

(8) The assessor shall provide the Board specific information about the validity of the valuation to which the objection is made and shall provide to the Board the information that the assessor used to determine that valuation.

(9) The Board shall presume that the assessor's valuation is correct. However, that presumption may be rebutted by a sufficient showing by the objector that the valuation is incorrect.

(h) **Correction of Assessments.** From the evidence before it, the Board shall determine whether the assessor's assessment is correct. If the assessment is too high or too low, the Board shall raise or lower the assessment accordingly and shall state on the record the correct assessment and that the assessment is reasonable in light of all of the relevant evidence that the Board received. A majority of the members of the Board present at the meeting to make the determination shall constitute a quorum for the purposes of making such determination, and a majority vote of the quorum shall constitute the determination. In the event there is a tie vote, the assessment shall be sustained.

A Board member shall not be counted in determining a quorum and may not vote concerning the determination unless such member:

(1) Attended the hearing of the evidence; or

(2) Received the transcript of the hearing not less that 5 days prior to the meeting and read such transcript; or

(3) Received a mechanical recording of the evidence no less than 5 days prior to the meeting and listened to such recording; or

(4) Received a copy of a summary and all exceptions thereto not less that 5 days prior to the meeting and read such summary and exceptions. In this paragraph "summary" means a written summary of the evidence prepared by one or more Board members attending the hearing of evidence, which summary shall be distributed to all Board members and all parties to the contested assessments. In this paragraph "exceptions" means written exceptions to the summary of evidence filed by the parties to the contested assessment.

(i) **Assessment by Board.** If the Board has reason to believe, upon examination of the roll and other pertinent information, that other property, the assessment of which is not complained of, is assessed above or below the general average of the assessment of the Town, or is omitted, the Board shall:

(1) Notify the owner, agent or possessor of such property of its intention to

review such assessment or place it on the assessment roll and of the time and place fixed for such hearing.

(2) Fix the day, hour and place at which such matter will be heard.

(3) Subpoena such witnesses, except objectors who may testify by telephone, as it deems necessary to testify concerning the value of such property. The expense incurred shall be paid by the Town.

(4) At the time appointed, proceed to review the matter as provided subsection (g).

(j) **Parties.** In all proceedings before the Board of Review, the Town shall be a party in interest to secure or sustain an equitable assessment of all property in the Town.

(k) **Notice of Decision.** Prior to final adjournment, the Board of Review shall provide the objector notice by personal service or certified mail of the amount of the assessment as finalized by the Board and an explanation of appeal rights and procedures. Upon delivering or mailing the notice, the Clerk of the Board of Review shall prepare an affidavit specifying the date when that notice was delivered or mailed.

(l) **Appeal.** Appeal from the determination of the Board of Review shall be an action for a certiorari commenced within 90 days after the objector received notice of the decision of the Board of Review.

(m) **Summary of Proceedings.** After the Board of Review has completed its determinations, the Clerk shall prepare a summary of the proceedings and determinations, on forms prescribed by the Department of Revenue, which shall include the following information:

- (1) Name of taxpayer;
- (2) Description or designation of the property subject to the objection;
- (3) Amount of the assessment about which the taxpayer objected;
- (4) Names of any persons who appeared on behalf of the taxpayer; and
- (5) The Board of Review's determination of the taxpayer's objection.

State Law Reference: Sections 70.46 and 70.47, Wis. Stats.

## **Section 6.02 BOARD OF ADJUSTMENT**

(a) **Membership.** The Board of Adjustment shall consist of three (3) members appointed by the Town Chair and confirmed by the Town Board.

(1) Terms shall be staggered three-year periods.

(2) Chair shall be elected annually by the Board from among its members.

(3) Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration.

(4) An Alternate Member shall be appointed by the Town Chair for a term of three (3) years and shall act only when a regular member is absent or cannot vote because of conflict of interest.

(5) Not more than one Town Board member, nor the Zoning Administrator, may be a member of the Board of Adjustment.

(6) The Secretary shall be the Town Clerk.

(7) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.

(8) Members of the Board of Adjustment shall reside within the Town of Turtle.

(9) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.

(10) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(11) Compensation shall be as determined by the Town Board.

(12) Members shall attend at least one training session presented by the Wisconsin Towns Association, University of Wisconsin, or a state agency

(b) **Organization.** The Board of Adjustment shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

(1) Meetings shall be held at the call of the Chair and shall be open to the public.

(2) The Chairperson, or, in his or her absence, the acting Chair person, may



administer oaths and compel the attendance of witnesses.

(3) Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, or if absent, or failing to vote indicating such fact, the reasons for the Board's determination, and its findings of fact. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.

(4) The concurring vote of two (2) members of the Board shall be necessary to exercise the powers enumerate in section 6.02(c).

(c) **Powers.** The Board of Adjustment shall have the following powers:

(1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of codes, regulations or ordinances under his or her jurisdiction.

(2) **Variances.** To hear and grant applications for variances.

a. A "use variance" is a variance from the way the property may be used under its zoning classification.

b. Use variances shall not be granted.

c. An "area variance" is a variance from the zoning regulations on lot area, density, height, frontage, setbacks, and similar regulations in order to promote uniformity of development, lot and building size.

d. To grant area variance, the Board must find:

1. Unnecessary hardship exists which means that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted use or would render conformity with such restrictions unnecessarily burdensome.

2. The hardship must be based on conditions unique to the property rather than considerations personal to the property owner.

3. The hardship cannot be self-created by the property owner.

4. The variance cannot be contrary to the purpose of the zoning restriction at issue.

5. The variance cannot be contrary to the public interest.

(3) **Permits.** The Board may reverse, affirm wholly or partly, modify any

decision of the Zoning Administrator, Building Inspector, Plumbing Inspectors, or Electrical Inspector and may direct the issuance of a permit.

**(d) Appeals.**

(1) Appeals to the Board of Adjustment may be made by any person aggrieved by a decision or determination under sections 6.02(c)(1) and (3). Such appeals shall be filed with the Town Clerk within sixty (60) days after the decision or determination.

(2) Applications under section 6.02(c)(2) may be made by the owner or lessee of the property affected at any time and shall be filed with the Town Clerk.

(3) All appeals and applications shall be filed on forms provided by the Town Clerk.

(4) Each appellant or application shall pay a fee to be determined by the Town Board.

**(e) Hearings on Appeals and Applications.**

(1) The Board of Adjustment shall hold a public hearing on all appeals and applications within sixty (60) days of the Town Clerk receiving the appeal or application.

(2) Prior to a hearing on an application for a variance the Board, or its designee, shall:

a. Give a Class 2 Legal Notice under Chapter 985 of the Wisconsin Statutes; and

b. Give written notice of the public hearing to landowners within 1000 feet of the land parcel of the applicant.

**(f) Decision.**

(1) The Board of Adjustment shall decide all appeals and applications within thirty (30) days of the completion of the public hearing.

(2) The Board shall make written findings and decision and shall send a copy to the appellant or applicant.

(3) Conditions may be placed on any Building Permit ordered or authorized by the Board.

(4) Variances granted or Building Permits directed by the Board shall expire

within six (6) months unless substantial work has been commenced pursuant to such variance or Building Permit.

State Law Reference: Section 60.65, Wis. Stats.

## **Section 6.03 TOWN PLANNING COMMISSION.**

### **(a) Establishment of Commission.**

There is hereby established a Planning Commission for the Town (hereafter called the “Commission”).

### **(b) Purpose.**

The purpose of this ordinance is to establish a Town of Turtle Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

### **(c) Authority; Establishment.**

The Town Board of the Town of Turtle, having been authorized by the Town meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers in 1954, hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under secs. 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the “Town Planning Agency” under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

### **(d) How Constituted.**

The Commission shall consist of seven (7) members. One member shall be a Town Board member and the Town Chair shall appoint the Commission Chair. The Town Clerk shall be the Commission’s Secretary. The Town Board shall appoint six (6) citizen members, three (3) shall be appointed for three (3) year terms and three (3) appointed for two (2) year terms. The Zoning Administrator and the Secretary shall be ex-officio members and shall attend all Commission meetings but not as voting members.

### **(e) Terms of Office.**

Terms of office for the citizen members shall start the 1<sup>st</sup> day of May. Terms of office for the Town Board member, chair, and secretary shall be annual appointments.

### **(f) Qualifications.**

All citizen members shall be persons with recognized experience, qualifications, have Town residency, and shall hold office until their respective successors are selected and qualified.

**(g) Vacancies.**

Whenever a vacancy shall occur, the Town Board shall appoint an appropriate member to complete the unexpired term.

**(h) General & Miscellaneous Powers.**

The Plan Commission shall have the powers:

(1) To review and approve or deny conditional use permits within the provisions of this Zoning Ordinance.

(2) To review and recommend to the Town Board the approval, conditional approval, or denial of land divisions.

(3) To review and recommend approval, conditions of approval, or denial of amendment to the text or Official Zoning Map of this ordinance.

(4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the Commission permits such a substitution, the use may not thereafter be changed without application.

(5) Unclassified Uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district.

(6) Temporary Uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Commission and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

(7) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.

(8) To recommend to the Town Board programs for public improvements and the financing of such improvements.

(9) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and

marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

(10) The Commission Chair shall submit an annual report to the Town Board.

**(i) Town Comprehensive Planning: General Authority & Requirements.**

(1) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats., and follows the procedures in sec. 66.1001(4), Wis. Stats.

(2) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town comprehensive plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.

(3) In this section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

(4) The Plan Commission shall review and make recommendations on any ordinances submitted to the Commission by the Town Board for review and recommendation.

**(j) Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment.**

The Plan Commission, in order to ensure that the requirements of sec. 66.1001(4), Wis. Stats., are met, shall proceed as follows:

(1) Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.

(2) Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats.,

shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:

(a) the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;

(b) the plan contains the nine (9) specified elements and meets the requirements of those elements;

(c) the maps and other descriptive materials relate to the plan;

(d) the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and

(e) the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.

(3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

(a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.

(b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.

(c) The Wisconsin Land Council.

(d) After September 1, 2003, the Department of Administration.

(e) The regional planning commission in which the Town is located.

(f) The public library that serves the area in which the Town is located.

**(k) Plan Implementation & Administration.**

(1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

(a) Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., a Town exclusive agricultural zoning ordinance under subch. V. of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.

(b) Official map. A proposed official map ordinance under sec. 62.23(6), Wis. Stats.

(c) Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

(d) Other. Any other ordinance specified by the Town Board.

(2) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

(3) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

(4) Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

**(1) Referrals to the Plan Commission.**

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report and recommendation:

(a) The location and architectural design of any public building.

(b) The location of any statue or other memorial.

(c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any

(i) street, alley or other public way;

(ii) park or playground;

(iii) airport;

(iv) area for parking vehicles; or

(v) other memorial or public grounds.

(d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.

(e) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.

(f) The location, character and extent or acquisition, leasing or sale of lands for

(i) public or semi-public housing;

(ii) slum clearance;

(iii) relief of congestion; or

(iv) vacation camps for children.

(g) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.

(2) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report and recommendation:

(a) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.

(b) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.

(c) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.



(d) Matters relating to the establishment or termination of an architectural conservancy district under sec. 66.1007, Wis. Stats.

(e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.

(f) Matters relating to the establishment or termination of a business improvement district required to be referred under sec. 66.1109, Wis. Stats.

(g) A proposed housing project under sec. 66.1211(3), Wis. Stats.

(h) Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.

(i) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.

(j) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(m) **Meetings.** Meetings shall be called when necessary, as specifically determined by the Chair of the Commission. Special meetings may be called by the Chair or upon written request of two Commission members. Notice of special meetings shall be given by personal service or telephone call to all members and the news media at least 24 hours prior to the called special meeting. Notice to the news media may be given by facsimile transmission.

(n) **Minutes.** The minutes shall be kept by the secretary.

(o) **Quorum.** Four (4) members shall constitute a quorum to transact any business and formulate its proper action thereon.

(p) **Compensation.** The members shall be compensated as determined by the Town Board.

(q) **Town Board.** The Town Board may direct by majority vote that Building Permits and Conditional Use Permits be issued when in compliance with this Ordinance.

State Law Reference: Sections 60.62, 61.35 and 62.23, Wis. Stats.

## **Section 6.04 CEMETERY COMMITTEE**

(a) **Purpose.**

(1) The purpose of the Cemetery Committee is to promote the general welfare of the community.

(2) The Committee will receive directives and requests from the Town Board, which will be presented to the Committee.

(3) The Committee will prepare and present recommendations in response to directives from the Town Board in a timely manner.

(4) The Committee may obtain assistance from outside entities but only after obtaining approval of the liaison member of the Town Board.

(5) The Committee may adopt by-laws and shall submit them to the Town Board for approval.

(b) **Authority.** The Town Board of the Town of Turtle has authorized the Cemetery Committee to plan, regulate and restrict the use of all town cemeteries to stabilize and protect the property values, and to promote the beauty of the community. The Cemetery Committee shall be an advisory committee to the Town Board with all final decisions being made by the Town Board.

(c) **Jurisdiction.** The jurisdiction of this Committee shall include all current town cemeteries and the planning of all future town cemeteries within the Town of Turtle.

Current town cemeteries are:

(1) Shopiere Cemetery at 7600 Block S. Butterfly Road.

(2) Turtleville Cemetery at 3800 Block E. Creek Road.

(d) **Duties and Responsibilities.** The Cemetery Committee shall have the following duties and responsibilities:

(1) To be involved with all future studies in connection with reserving lands for cemetery purposes.

(2) To be the lead committee for future plans and maps of a comprehensive town cemetery system.

(3) To forward the results to the Planning Commission and to the Town Board of all such studies and plans.

(4) To establish regulations for the use and sale of lots and markers in the town cemeteries.

(5) To apply, with Town Board approval, for grant money to be used for town

cemetery land purchases and purchases of equipment, and maintenance for town cemeteries.

(6) To submit to the Town Board an annual budget with revenue and expenditure proposals relating to town cemeteries.

a. This budget request must be submitted to the Town Clerk by October 1 of each year.

b. All monies received for the purposes of the Committee, whether from the general fund, approved donations or activity fees shall be paid to the Clerk of the Town of Turtle to be deposited in the general fund or a designated cemetery fund authorized by the Town Board.

**(e) Meetings.**

(1) The Cemetery Committee shall meet the fourth Tuesday of each month or as directed by the Chairperson of the Committee.

(2) All meetings shall be posted a minimum of 3 days prior to the meeting.

(3) Agendas shall be posted a minimum of 24 hours prior to the meeting.

(4) Meetings shall be conducted in accordance with Robert's Rules of Order.

(5) All members shall have equal rights except the liaison member shall only vote if there is a tie vote.

(6) Three members of the Committee shall constitute a quorum.

(7) A majority vote of the quorum shall be necessary to adopt a motion.

(8) Any member who is not going to attend a meeting must notify the Chairperson within a reasonable time before the meeting.

**(f) Annual Report.** The Cemetery Committee shall produce and send to the Town Clerk an annual report of its transaction and activities.

**(g) Appointments and Terms of Office.**

(1) The Cemetery Committee shall be a voluntary committee with no limit on the amount of members on the Committee.

(2) The Committee members shall have no terms and there shall be no limit on the amount of time a member can serve on the Committee.

(3) There shall be a liaison member of the Committee from the Town Board,

which shall be appointed by the Town Chairperson.

(4) The other members of the Committee shall be approved by the Town Board.

(5) Recommendations of possible members may be made by the Cemetery Committee to the Town Board.

(6) Any member who misses 50% of the regular meetings during the year shall be subject to removal from the Committee by the Town Board upon recommendation of the Committee Chairperson.

(7) All requested for removal of a member shall be in writing.

(8) Upon receiving a written request for removal of a member, the Town Board will review it and determine if the member shall be removed.

**(h) Officers and Duties.**

(1) The officers of the Committee shall be a Chairperson and a Secretary. They shall be chosen by the Committee members.

(2) The Chairperson is responsible for preparing an agenda for each meeting and making sure it is properly posted to meet the open meeting laws of the State of Wisconsin. The Chairperson shall preside over the Committee meetings.

(3) The Chairperson shall give a copy of the agenda for each meeting to the Town Clerk.

(4) The Secretary will take minutes of all meetings and present a copy of the minutes to the Town Clerk for the Clerk's records. The Secretary shall also have a copy of the minutes at each meeting for approval.

(5) If the Chairperson cannot attend a Cemetery Committee meeting the members at that meeting shall appoint a temporary Chairperson.

**(i) Establishing a Cemetery Committee.** In the year 2004, the Town Board of the Town of Turtle decided to split the then current "Parks/Cemetery/Clocks Committee" into separate committees. Under the Wisconsin Statutes, the Town Board had the option to form a "Board of Directors" or a lower key approach to the cemetery needs and decided on a "Cemetery Committee."

**(j) Agent.** None of the Cemetery Committee members shall be considered agents of the Cemetery Committee or the Town of Turtle pursuant to section 157.067(2) of the Wisconsin Statutes. The only agent for the Cemetery Committee and the Town of Turtle shall be the Town Chairperson.

**(k) Location of Meetings.** The normal meetings shall be held at the Turtle

Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511, unless otherwise directed by the Committee Chairperson.

(l) **Office Space as Needed.** The Town Board will furnish office space and meeting space as needed for the Cemetery Committee to function. The Town Board will also assist the Committee in making copies and any additional expenses incurred for appropriate tasks performed by the Committee.

(m) **Compensation and Expenses.**

(1) No compensation shall be paid to any member of the Committee.

(2) The Town Board can reimburse Committee members for expenses that have been pre-approved.

## **Section 6.05 PARKS COMMITTEE**

(a) **Purpose.** The purpose of the Parks Committee is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the community.

(b) **Authority.** The Town Board of the Town of Turtle has authorized the Parks Committee to plan, regulate and restrict the use of all town parks; to stabilize and protect the property values; and to promote the beauty of the community. The Parks Committee shall be an advisory committee to the Town Board of the Town of Turtle with all final decisions being made by the Town Board.

(c) **Jurisdiction.** The jurisdiction of this Committee shall include all current town parks and the planning of all future town parks within the Town of Turtle.

Current town parks are:

(1) McMahon Park - located at Claremont and Easy Streets.

(2) Town Park - located at Monroe and Bradley Streets.

There is also a future park area located at the Town of Turtle Community Center.

(d) **Duties and Responsibilities.** The Parks Committee shall have the following duties and responsibilities:

(1) To be involved with all future studies in connection with reserving lands for park purposes.

(2) To be the lead committee for future plans and maps of a comprehensive

town park system.

(3) To forward the results to the Planning Commission and to the Town Board of all such studies and plans.

(4) To establish regulations for the use and enjoyment of town parks by the public.

(5) To apply, with Town Board approval, for grant money to be used for town park land purchases and purchases of equipment, and maintenance for parks.

(6) To submit to the Town Board an annual budget with revenue and expenditure proposals relating to town parks and recreation programs.

(a) This budget request must be submitted to the Town Clerk by October 1 of each year.

(b) All monies received for the purposes of the Committee, whether from the general fund, approved donations or activity fees shall be paid to the Treasurer of the Town of Turtle to be deposited in the general fund or a designated parks fund authorized by the Town Board.

**(e) Meetings.**

(1) The Parks Committee shall meet as needed or as directed by the Chairperson of the Committee.

(2) All meetings shall be posted a minimum of 3 days prior to the meeting.

(3) Agendas shall be posted a minimum of 24 hours prior to the meeting.

(4) Meetings shall be conducted in accordance with Roberts Rules of Order.

(5) All members shall have equal rights except the liaison member shall only vote if there is a tie vote.

(6) Three members of the Committee shall constitute a quorum.

(7) A majority vote of the quorum shall be necessary to adopt a motion.

(8) Any member who is not going to attend a meeting must notify the Chairperson within a reasonable time before the meeting.

**(f) Reports.** The Parks Committee shall produce and send to the Town Clerk an annual report of its transactions and activities.

**(g) Appointments and Terms of Office.**

(1) The Town Parks Committee shall be a voluntary committee with no limit on the amount of members on the Committee.

(2) The Committee members shall have no terms and there shall be no limit on the amount of time a member can serve on the Committee.

(3) There shall be a liaison member of the Committee from the Town Board which shall be appointed by the Town Chairperson.

(4) The other members of the Committee shall be approved by the Town Board.

(5) Recommendations of possible members may be made by the Parks Committee to the Town Board.

(6) Any member who misses 50% of the regular meetings during one year shall be subject to removal from the Committee by the Town Board upon recommendation of the Parks Committee Chairperson.

(7) All requests for removal of a member shall be in writing.

(8) Upon receiving a written request for removal of a member, the Town Board will review it and determine if the member shall be removed.

**(h) Officers and Duties.**

(1) The officers of the Committee shall be a Chairperson and a Secretary. They shall be chosen by the Committee members.

(2) The Chairperson is responsible for preparing an agenda for each meeting and making sure it is properly posted to meet the open meeting law of the State of Wisconsin. The Chairperson shall preside over the Committee meetings.

(3) The Chairperson shall give a copy of the agenda for each meeting to the Town Clerk.

(4) The Secretary will take minutes of all meetings and present a copy of the minutes to the Town Clerk for the Clerk's records. The Secretary shall also have a copy of the minutes at each meeting for approval.

(i) **Location of Meetings.** The normal meetings shall be held at the Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511, unless otherwise directed by the Committee Chairperson.

(j) **Establishing a Parks Committee.** In the year 2004, the Town Board of the Town of Turtle decided to split the then current “Parks/Cemetery/Clocks Committee” into separate committees. Under the Wisconsin Statutes, the Town Board had the option to form a “Town Parks Commission” or a lower key approach to the park needs and decided on a “Parks Committee.”

(k) **Office Space as Needed.** The Town Board will furnish office space and meeting space as needed for the Parks Committee to function. The Town Board will also assist the Committee in making copies and any additional expenses incurred for appropriate tasks performed by the Committee.

(l) **Compensation and Expenses.**

- (1) No compensation shall be paid to any member of the Committee.
- (2) The Town Board can reimburse Committee members for expenses that have been pre-approved.

## **Section 6.06 SAFETY COMMITTEE**

(a) **Purpose.**

(1) The purpose of the Safety Committee is to promote the comfort, health, safety and general welfare of the citizens of the Town of Turtle.

(2) The Committee will receive directives and requests from the Town Board which will be presented to the Committee.

(3) The Committee will prepare and present recommendations in response to directives from the Town Board in a timely manner.

(4) The Committee may obtain assistance from outside entities but only after obtaining approval of the liaison member or the Town Board.

(5) The Committee may adopt by-laws and shall submit them to the Town Board for approval.

(b) **Members.**

(1) The Town of Turtle Safety Committee shall consist of 6 members.

(2) One member shall be a supervisor from the Town Board who shall be called a “liaison” member.

(3) The other five members shall be residents of the Town of Turtle and of



voting age.

(4) All members shall have equal rights except the liaison member shall not vote on any matter before the Safety Committee.

**(c) Appointments.**

(1) The liaison member of the Committee shall be appointed by the Town Chairperson.

(2) The other members of the Committee shall be appointed by the Town Board.

(3) Recommendations of possible members may be made by the Safety Committee to the Town Board.

**(d) Terms of Office.**

(1) Members other than the liaison member, shall serve a 2 year term.

(2) The initial terms for these members shall be staggered as follows:

(a) Two members shall each serve a one year term.

(b) Three members shall each serve a two year term.

(3) Vacancies shall be filled for the balance of a term.

(4) Current members may extend their terms until a replacement has been appointed.

(5) Members, other than the liaison member, may not serve more than two consecutive terms.

**(e) Meetings.**

(1) Regular meetings shall be held on the first Wednesday of each month.

(2) Special meetings must be approved by the Chairperson or Vice-Chairperson.

(3) All meetings shall be posted 3 days prior to the meeting.

(4) Agendas shall be posted 24 hours prior to the meeting.

(5) Meetings shall be conducted in accordance with Roberts Rules of Order.

(6) Any member who is not going to attend a meeting must notify the Chairperson within a reasonable time before the meeting.

**(f) Voting.**

(1) Three voting members shall constitute a quorum.

(2) A majority vote of the quorum shall be necessary to adopt a motion.

**(g) Officers.**

(1) The officers of the Committee shall be a Chairperson, Vice-Chairperson, and Secretary. They shall be chosen by the Committee members.

(2) The Chairperson shall preside over Committee meetings.

(3) The Vice-Chairperson shall preside in the Chairperson's absence.

(4) In the absence of both the Chairperson and Vice-Chairperson, a president pro tem shall be chosen from those members present and will preside.

(5) The Secretary shall record the minutes of each meeting and shall transmit a written copy to the Town Clerk.

(6) The Town Clerk shall be the custodian of the records of the Committee. All records of the Committee shall be available for inspection with the Town Clerk.

**(h) Removal of Members.**

(1) Any member who misses 50% of the regular meetings during one year shall be subject to removal from the Committee by the Town Board upon the recommendation of the Safety Committee Chairperson.

(2) All requests for removal of a member shall be in writing.

(3) Upon receiving a written request for removal of a member, the Town Board will review it and determine if the member shall be removed.

**(i) Compensation and Expenses.**

(1) No compensation shall be paid to any member of the Committee.

(2) The Town Board can reimburse Committee members for expenses that

have been pre-approved.

## **Chapter 7 - CODE OF ETHICS**

## **Section 7.01 STATEMENT OF PURPOSE.**

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in the Chapter a Code of Ethics for all Town of Turtle officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Town, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Town.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or action that are incompatible with the best interests of the Town of Turtle and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Town. The Town Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Town in their elected and appointed officials and employees. The Town Board hereby reaffirms that each elected appointed Town official and employee holds his or her position as a public trust, and any intention effort to realize substantial gain through official conduct is a violation of that trust. The provision and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Town of Turtle.

State Law Reference: Section 19.41, Wis. Stats.

## **Section 7.02 DEFINITIONS.**

The following definitions shall be applicable in this Chapter.

- (a) “Anything of value” means any money or property, favor, service, payment, advance, forbearance, loan, pr promise of future employment, but does not include compensation and expenses paid the state, fees and expenses which are permitted and reported under s. 19.56 Wis. Stats., political contributions which are reported under ch.11 Wis. Stats., or hospitality extended for a purpose unrelated to state business by a person other than an organization.
- (b) “Elective office” means an office regularly filled by vote of the people.
- (c) “Gift” means the payment or receipt of anything of value without valuable consideration.

- (d) “Immediate family” means:
  - (1) An individual’s spouse; and
  - (2) An individual’s relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.
- (e) “Ministerial action” means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual’s own judgment as to the propriety of the action being taken.
- (f) “Organization” means a political organization under whose name individuals who seek elective office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.
- (g) “Political party” means a political organization under whose name individuals who seek elective office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.
- (h) “Public employee” means any person excluded from the definition of a public official who is employed by the Town.
- (i) “Public official” means the following persons:
  - (1) An elective office under Chapter 60 of the Wisconsin Statutes.
  - (2) An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.
  - (3) An appointive office or position of a local government which is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.

State Law Reference: Section 19.42, Wis. Stats.

### **Section 7.03 RESPONSIBILITY OF PUBLIC OFFICIALS**

- (a) No public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by Chapter 11 of the Wisconsin Statutes.
- (b) No person may offer or give to a public official, directly or indirectly, and no public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the public official's vote, official actions or judgment or could reasonably be considered as a reward for any official action or inaction on the part of the public official. This paragraph does not prohibit a public official from engaging in outside employment.
- (c) No public official or candidate for public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration, or, upon condition that, any other person make or refrain from making a political contribution that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under sec. 11.05, Wis. Stats., or any person making a communication that contains a reference to a clearly identified public official holding an elective office or to a candidate for public office.
- (d) Except as otherwise provided in paragraph (e), no public official may:
  - (1) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.
  - (2) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.
- (e) Paragraph (d) does not prohibit a public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses or prohibit a local public official from taking official action with respect to any proposal to modify a municipal ordinance.

State Law Reference: Section 19.59, Wis. Stats.

#### **Section 7.04 STATUTORY STANDARDS OF CONDUCT.**

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to-wit:

- (a) Sec. 946.10 Bribery of Public Officers and Employees.
- (b) Sec. 946.11 Special Privileges from Public Utilities.
- (c) Sec. 946.12 Misconduct in Public Office.
- (d) Sec. 946.13 Private Interest in Public Contract Prohibited.

### **Section 7.05 USE OF TOWN PROPERTY**

No official or employee shall use or permit the unauthorized use of town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Town policy for the use of such official or employee in the conduct of official business, as authorized by the Town Board or authorized board, commission or committee.

### **Section 7.06 ADVISORY OPINIONS.**

Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the Town Attorney. Such requests shall be as detailed as possible and shall be made in writing. Advisor requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

State Law Reference: Section 19.59(6), Wis. Stats.

### **Section 7.08 SANCTIONS**

A determination that an official's or employee's actions constitute improper conduct under the provisions of this Chapter may, in the case of an employee, constitute a cause of suspension, removal from office or employment or other disciplinary action. In the case of an elected or appointed Town official, the Town Board, upon a review of the facts with the individual, may official reprimand the official or remove such official from certain committee assignments or responsibilities.

## Chapter 8 - FINANCE

### Section 8.01 PREPARATION AND ADOPTION OF BUDGET

(a) **Fiscal Year Annual Budget.** The Town of Turtle fiscal year is the calendar year. The Town budget shall be adopted annually.

(b) **Preparation.** The Town Board is responsible for preparation of the proposed budget required under sec. 65.90, Wis. Stats. In preparing the budget, the Town Board may provide for assistance by any person.

(c) **Estimates of Budget.** Each elected officer and each appointed officer responsible for a department, office, special office, committee, commission, agency, board or other special government unit of the Town of Turtle shall file with the Town Chairperson, by a date established by the Town Board, the following for their department, office, special office, committee, commission, agency, board or other special government unit of the town;

- (1) Prior years receipts, revenues, disbursements and expenditures.
- (2) Current years, receipts, revenues, disbursements and expenditures.
- (3) Estimated receipts, revenues, disbursements and expenditures for next year.

(d) **Elements of Budget.** Each budget prepared by the Town Board shall include the following:

- (1) All existing indebtedness.
- (2) All anticipated revenue from all sources for ensuing year.
- (3) All proposed appropriations for departments, committees, commissions and boards, activity or reserve accounts for the ensuing year.
- (4) All actual revenues and expenditures for preceding year.
- (5) All actual revenue and expenditures for not less than six (6) months of current year.
- (6) All estimated revenues and expenditures for the balance of the current year.
- (7) All anticipated unexpended or unappropriated balances and surpluses.
- (8) Such other information may be required by the Town Board and state law.



(e) **Notice of Summary of Budget.** A summary of the budget required under para. (d) and notice of the time and place of the public hearing thereon shall be posted in 3 public places at least 15 days prior to the time of the public hearing.

(f) **Summary of Budget.** A budget summary required under para. (e) shall include all of the following for the proposed budget and the budget in effect, and shall also include the percentage change between the budget of the current year and the proposed budget.

(1) For the general fund, all expenditures in the following categories:

- (a) General government.
- (b) Public safety.
- (c) Public works.
- (d) Health and human services.
- (e) Culture, recreation and education.
- (f) Conservation and development.
- (g) Capital outlay.
- (h) Debt service.
- (i) Other financing uses.

(2) For the general fund, all revenues from the following sources:

- (a) Taxes.
- (b) Special assessments.
- (c) Intergovernmental revenues.
- (d) Licenses and permits.
- (e) Fines, forfeitures and penalties.
- (f) Public charges for services.
- (g) Intergovernmental charges.

(h) Miscellaneous revenue.

(i) Other financing sources.

(3) All beginning and year-end governmental and proprietary fund balances.

(4) The contribution of the property tax to each governmental fund and to each proprietary fund that receives property tax revenue and the totals for all funds combined.

(5) Revenue and expenditure totals, by fund, for each governmental fund, and for each proprietary fund and the revenue and expenditure totals for all funds combined.

(6) An itemization of proposed increases and decreases to the current year budget due to new or discontinued activities and functions.

The Town may make public any additional budget summary information that its governing body considers necessary, but the additional information shall be reported separately from the information required above.

(g) **Copies of Budget.** The Town shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

(h) **Hearing.** Not less than 15 days after the publication of the proposed budget and the notice of hearing thereon a public hearing shall be held at the time and place stipulated at which any resident or taxpayer of the Town shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.

(i) **Adoption.** The Town Board shall adopt the Town budget.

(j) **Amendment.** The adopted budget shall not be changed after approval of the budget except upon the recommendation of the Chairperson and upon a roll call two-thirds (2/3) vote of the entire membership of the Town Board.

State Law Reference: Sections 60.40 and 65.90, Wis. Stats.

## **Section 8.02 TOWN FUNDS TO BE SPENT IN ACCORDANCE WITH APPROPRIATION.**

No money shall be drawn from the treasury of the Town, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by section 8.01 of this Chapter. At the close of each fiscal year, any unencumbered balance of any appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Board, to be paid out of the income of the current year, and any such appropriation shall continue in force until the purpose for

which it was made shall have been accomplished or abandoned.

### **Section 8.03 ANNUAL FINANCIAL STATEMENT.**

The Town Board, with the assistance of the Town Auditor and Town Treasurer, shall annually prepare a statement of the financial condition of the Town and present the statement to the annual Town meeting. The Statement shall include the previous year's revenues and expenditures and the current indebtedness of the Town.

State Law Reference: Section 60.41, Wis. Stats.

### **Section 8.04 FINANCE BOOK.**

The Town Clerk shall maintain a finance book.

State Law Reference: Section 60.33(3), Wis. Stats.

### **Section 8.05 FINANCIAL AUDITS.**

The Town Board shall provide for financial audits under sec. 66.0605, Wis. Stats. A firm of certified public accountants may be employed each year by the Town, subject to the confirmation of the Town Board to conduct a detailed audit of the Town's financial transactions and its books, and to assist the Town Treasurer in the management of the Town's financial affairs.

These auditors may be employed on a calendar-year basis. The books audited shall, in addition to the Town financial records of the office of the Town Treasurer, include books of any other boards, commission, officer or employees of the Town handling Town monies.

State Law Reference: Section 66.0605, Wis. Stats.

### **Section 8.06 DISBURSEMENTS FROM TOWN TREASURY.**

Disbursements from the Town Treasury shall be made under sec. 66.0607, Wis. Stats. No claim, account or demand or payment against the Town shall be paid until a voucher has been filed with or prepared by the Town Clerk. Each check representing a disbursement or transfer of Town funds must be signed by at least two (2) Town Board-designated signatories of the Town. The Chairperson and Town Treasurer shall be the primary signatories. In the absence of a primary signatory, the Vice-Chair and Deputy Treasurer shall perform as substitute signatories.

State Law Reference: Section 60.45, Wis. Stats.

### **Section 8.07 PUBLIC DEPOSITORY.**

The Town Board shall designate one (1) or more public depositories for depositing funds of the Town. These public depositories shall be approved financial institutions as noted in sec. 66.04, Wis. Stats. The Town Treasurer and the Treasurer's surety are not liable for loss, as defined under sec. 34.01(2), Wis. Stats., of money deposited in the name of the Town in a designated public depository. Interest accruing from Town money in a public depository shall be credited to the Town.

State Law Reference: Section 60.46, Wis. Stats.

## **Section 8.08 CLAIMS AGAINST TOWN.**

(a) **Authority.** This ordinance is adopted pursuant to the authority granted to town boards under section 60.44(2) of the Wisconsin Statutes to adopt an alternative claim procedure for approving financial claims against the town which are in the nature of bills and vouchers.

(b) **Procedure for Payment.** Payment may be made of all bills and vouchers by the Town Treasurer, from the Town Treasury under section 66.0607 of the Wisconsin Statutes, without prior approval of the Town Board, after the Treasurer reviews and approves in writing each bill or voucher as a proper charge against the Town Treasury and determines that:

- (1) Funds are available under the Town budget to pay the bill or voucher;
- (2) The item or service covered by the bill or voucher has been duly authorized;
- (3) The item or service covered by the bill or voucher as been supplied or rendered in conformity with the authorization; and
- (4) the claim appears to be a valid bill or voucher against the Town.

(c) **List of Claims Approved.** At least monthly, the Treasurer shall file with the Town Board a list of bills and vouchers approved, showing the date paid, name of the creditor, purpose and amount.

State Law Reference: Section 60.44(2), Wis. Stats.

## **Section 8.09 TEMPORARY INVESTMENT OF FUNDS NOT IMMEDIATELY NEEDED**

(a) The Town Treasurer, in cooperation with the Town Board, may invest any Town long-term funds and temporary funds not immediately needed, pursuant to sections 66.0603(lm) and 219.05 Wis. Stats.

(b) The Town Board and Town Treasurer shall follow investment policies of the Town

Board and use the following criteria in determining the financial options available for investing the financial assets of the Town:

- (1) The safety of the investment.
- (2) The maturity of the investment.
- (3) The liquidity of the investment.
- (4) The yield of the investment.
- (5) The other services available to the Town with the investment.

State Law Reference: 66.0603(lm) and 219.05, Wis. Stats.

#### **Section 8.10 RECEIVING MONEY; RECEIPT FOR SAME.**

(a) The Town Treasurer shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt therefor.

(b) Upon the payment of any money (except for taxes as herein provided), the Treasurer shall make out a receipt in duplicate for the money so received. The Treasurer shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the Town or to the Town Treasurer shall be safeguarded in such manner as the Town Board shall direct.

State Law Reference: Section 66.0515, Wis. Stats.

#### **Section 8.11 LIABILITY OF THE TOWN FOR ACTS OF AGENTS.**

No agent of the Town having authority to employ labor or to purchase materials, supplies or any other commodities, may bind the Town or incur any indebtedness for which the Town may become liable without approval of the Town Board. Each such use or purchase order shall be drawn against a specific appropriation, the money for which shall be available in the Town treasury and not subject to any prior labor claims or material purchase orders at the time when such employment is negotiated or purchase order drawn. The Town Treasurer shall have general oversight over the recording of such employment and purchase orders and shall charge them against the proper appropriation.

## **Section 8.12 STATEMENT OF REAL PROPERTY STATUS.**

The Town Clerk, or his or her deputy, is authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, contemplated improvement, flood plain status, violation of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. The Town Clerk shall collect a fee to be determined by the Town Board payable at the time a request for compiling such information on said form. The Town Clerk shall have a minimum of two (2) business days during the regular work week to satisfy such requests.

## **Chapter 9 -SPECIAL ASSESSMENTS**

### **Section 9.01 TOWN BOARD MAY LEVY SPECIAL ASSESSMENTS.**

- (a) The Town of Turtle by resolution of its Town Board may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by an municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement. Such authority shall be either under the Town's police powers or under a benefitted property test. The resolution may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of the special assessments.
- (b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Town Board.

State Law Reference: Section 66.0703(1), Wis. Stats.

### **Section 9.92 RESOLUTION AND REPORT REQUIRED.**

- (a) Prior to making any such special assessments, the Town Board shall declare by preliminary resolutions its intention to exercise such powers for a stated municipal purpose. Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments may be paid or that the number of installments will be determined at the hearing required under section 9.05 of this Chapter and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.
- (b) The report required by subsection (a) shall consist of:
  - (1) Preliminary or final plans and specifications.
  - (2) An estimate of the entire cost of the proposed work or improvement.
  - (3) An estimate as to each parcel of property affected of:
    - a. The assessment of benefits to be levied.
    - b. The damages to be awarded for property taken or damaged.
    - (c) The net amount of such benefits over damages or the net amount of such

damages over benefits.

- (4) A statement that the property against which the assessments are proposed is benefitted, where the work or improvement constitute an exercise of the police power. In such case, the estimates required under subsection (b)(3) shall be replaced by a schedule of the proposed assessments.
- (5) A copy of the report when completed shall be filed with the Town Clerk for public inspection.

State Law Reference: Section 66.0703(4) and (5), Wis. Stats.

### **Section 9.03 COSTS THAT MAY BE PAID BY SPECIAL ASSESSMENT.**

The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the Town and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the parcels in the manner designated by the Town Board.

State Law Reference: Section 66.0703(2), Wis. Stats.

### **Section 9.04 EXEMPTIONS; DEDUCTIONS.**

- (a) If any property deemed benefitted shall, by reason of any provision of law, be exempt from assessment therefor, such assessment shall be computed and shall be paid by the Town.
- (b) A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts shall be entitled to such deduction or exemption as the Town Board determines to be reasonable and just under the circumstances of each case, when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstance, the assessment will not be less than the long way of such lot. The Town Board may allow a similar deduction or exemption from special assessments, levied for any other public improvement.

State Law Reference: Section 66.0703(1)© and (3), Wis. Stats.

### **Section 9.07 COMBINED ASSESSMENTS**



If more than a single improvement is undertaken, the Town Board may combine the assessments as a single assessment on each property affected except that the property owner may object to any one (1) or more of said improvements.

State Law Reference: Section 66.0703(9), Wis. Stats.

#### **Section 9.08 BOARD'S POWER TO AMEND, CANCEL OR CONFIRM SPECIAL ASSESSMENT.**

If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Town Board determined to reconsider an assessment, it is empowered, after giving notice as required in section 9.05 to amend, cancel or confirm any prior assessment, and notice of this amending, canceling or confirming be given by the Town Clerk as provided in section 9.06 of this Chapter.

State Law Reference: Section 66.0703(11), Wis. Stats.

#### **Section 9.09 WHERE COST OF IMPROVEMENT IS LESS THAN ASSESSMENT.**

If the cost of the work or improvement is less than the assessment levied, the Town Board, without notice or hearing, shall reduce each assessment proportionately. If the assessment has been paid either in part or in full, the Town shall refund the property owner such overpayment.

State Law Reference: Section 66.0703(11), Wis. Stats.

#### **Section 9.10 APPEALED ASSESSMENTS PAYABLE WHEN DUE.**

Pursuant to section 66.0703(12)(f), Wis. Stats., it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable and upon default in payment any such appeal shall be dismissed.

State Law Reference: Section 66.0703(12)(f), Wis. Stats.

#### **Section 9.11 SPECIAL ASSESSMENT A LIEN ON PROPERTY**

Pursuant to section 66.0703(13), Wis. Stats., any special assessment levied under this Chapter shall be a line on the property against which it is levied on behalf of the Town. The Town Board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Town Board shall provide that all assessments not paid by the dated specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.

State Law Reference: Section 66.0703(13), Wis. Stats.

## **Section 9.12 SPECIAL CHARGES PERMISSIBLE.**

- (a) In addition to all other methods provided by law, special charges for current services may be imposed by the Town Board by allocating all or part of the cost of the property served. Such may include snow and ice removal, weed elimination, street sprinkling, oiling and tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, including construction of storm water management facilities, tree care, removal and disposition of dead animals under sec. 60.23(20), Wis. Stats. Soil conservation work under section 92.115, Wis. Stats., and snow removal under sec. 86.105, Wis. Stats.
- (b) Except as provided in subsection (e), the Town Board may impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. The authority under this section is in addition to any other method provided by law.
- ©
  - (1) Except as provided in subparagraph (2), the Town Board may determine the manner of providing notice of a special change.
  - (2) Before a special charge for street tarring or the repair of sidewalks, curbs or gutters may be imposed, a public hearing shall be held by the Town Board on whether the service in question will be funded in whole or in part by a special charge. Any interested person may testify at the hearing. Notice of the hearing shall be by class 1 Notice under ch. 985, published at least 20 days before the hearing. A copy of the notice shall be mailed at least 10 days before the hearing to each interested person whose address is known or can be ascertained with reasonable diligence. The notice under this paragraph shall state the date, time and location of the hearing, the subject matter of the hearing and that any interested person may testify.
- (d) A special charge is not payable in installments. If a special charge is not paid within the time determined by the Town Board, the special charge is delinquent. A delinquent special charge

becomes a lien on the property against which it is imposed as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and

settlement under ch. 74, Wis. Stats.

- (e) Except with respect to storm water management, including construction of storm water management facilities, no special charge may be imposed under this section to collect any arrearage owed a municipal public utility.
- (f) If a special charge imposed under this section is held invalid because this section is found unconstitutional, the governing body may reassess the special charge under any applicable law.

State Law Reference: Section 66.0627, Wis. Stats.

### **Section 10.01 JURISDICTION.**

(a) The Municipal Court has exclusive jurisdiction over an action in which the Town seeks to impose forfeitures for violations of Town Ordinances, except as follows:

- (1) If the action is transferred under sec. 800.04(1) or 800.05(3), Wis. Stats. to a court of record.
- (2) If equitable relief is demanded the plaintiff shall bring the action in a court of record.

(b) The Municipal Judge may issue civil warrants to enforce matters which are under the jurisdiction of the Municipal Court.

(c) The Municipal Judge is authorized to issue inspection warrants under sec. 66.0119, Wis. Stats.

(d) The Municipal Judge may order the payment of restitution for violations of ordinances that prohibit conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both. The judge shall use the restitution procedure under section 800.093 of the Wisconsin Statutes.

State Law Reference: Section 755.045, Wis. Stats.

### **Section 10.03 SESSIONS OF COURT.**

The court shall hold sessions at such time as determined by the Municipal Judge.

State Law Reference: Section 755.06, Wis. Stats.

### **Section 10.04 OFFICE OF MUNICIPAL COURT.**

(a) The Municipal Judge shall hold court in the Turtle Community Center, 6916 S.

County Road J, Beloit, Wisconsin 53511.

(b) The judge may issue process or perform ministerial functions at any place in the county.

State Law Reference: Section 755.09, Wis. Stats.

#### **Section 10.05 EMPLOYEES.**

(a) The judge shall, in writing, appoint such clerks and deputy clerks as are authorized by the Town Board.

(b) The salaries of the clerks and deputy clerks shall be fixed by the Town Board.

(c) The Clerk shall, before entering upon the duties of their offices, take the oath provided by section 19.01 and give a bond if required by the Town Board.

(d) The cost of the bond shall be paid by the Town.

(e) Oaths and bonds of the clerk shall be filed with the Town Clerk.

State Law Reference: Section 755.11, Wis. Stats.

#### **Section 10.06 COURT PAPERS**

The judge shall file and keep together all papers in any action, separate from all other papers.

State Law Reference: Section 755.11, Wis. Stats.

#### **Section 10.07 DELIVERY OF BOOKS TO TOWN CLERK.**

(a) If the Municipal Court ceases to operate, the court records, books of account, case files, monies and bonds belonging to the court shall be delivered to the Town Clerk within 10 days after the vacancy occurs by the person who is in possession.

(b) If any materials should be delivered to the Town Clerk under paragraph (a) are not delivered within the time specified, the Town Clerk shall demand their delivery and may by action compel delivery.

(c) When the Town Clerk receives the court records, books of account and case files of the Municipal Court which has ceased to operate, he or she shall, within 10 days, dispose of them as follows:

1. Deliver them to the Clerk of the Circuit Court of Rock County.
2. For any pending or appealable cases, the bail shall be delivered along with the case file to the Rock County Clerk of Courts.

State Law Reference: Section 755.17, Wis. Stats.

#### **Section 10.08 DECORUM IN MUNICIPAL COURT.**

(a) The Municipal Judge shall be properly attired in a robe or other suitable clothing when officially presiding in Municipal Court.

(b) The courtroom for the Municipal Judge shall be provided by the Town which shall be in the Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511.

State Law Reference: Section 755.18, Wis. Stats.

#### **Section 10.09 MUNICIPAL JUDGE TRAINING.**

(a) The Municipal Judge shall participate in the program of Continuing Judicial Education as required by the Wisconsin Supreme Court.

(b) The Town shall bear the cost of such programs.

State Law Reference: Section 755.18, Wis. Stats.

#### **Section 10.10 COURT PROCEEDINGS PUBLIC.**

(a) The proceedings of the Municipal Court shall be public and every citizen may freely attend the same, except if otherwise expressly provided by law.

(b) When a cause of a scandalous or obscene nature is on trial in the court, the Municipal Judge may exclude from the room where the court is sitting all minors not necessarily present as parties or witnesses.

### **Section 10.11 MUNICIPAL COURT PROCEDURE.**

Municipal Court procedure shall be conducted pursuant to Chapter 800 of the Wisconsin Statutes.

State Law Reference: Chapter 800, Wis. Stats.

### **Section 10.12 ELECTION OF CITATION METHOD OF ENFORCEMENT OF TOWN ORDINANCES.**

Pursuant to sec. 66.0113, Wis. Stats., the Town Board of Supervisors of the Town of Turtle, Rock County, Wisconsin, hereby elects to use the citation method of enforcement of Town ordinances including those for which a statutory counterpart exists. The form of the citation shall conform to the provisions of sec. 800.02, Wis. Stats.

State Law Reference: Section 66.0113(4), Wis. Stats.

### **Section 10.13 RELATIONSHIP TO OTHER LAWS.**

The adoption and authority for use of a citation under this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does preclude the issuance of a citation under the ordinance.

State Law Reference: Section 66.0113(4), Wis. Stats.

### **Section 10.14 SCHEDULE OF DEPOSITS.**

(a) The schedule of cash deposits for use with citations issued under the Town ordinances for traffic offenses shall follow the State of Wisconsin Revised Uniform Traffic Deposit Schedule.

(b) The schedule of cash deposits for use with citations issued under the Town ordinances for no-traffic offenses shall be a Deposit Schedule adopted by the Town Board of Supervisors.

(c) The cash deposit shall include the forfeiture plus any applicable penalty assessment imposed by section 757.05 of the Wisconsin Statutes, any applicable jail assessment imposed by section 302.46(1) of the Wisconsin Statutes, the crime laboratories and drug law enforcement assessment imposed by section 165.755 of the Wisconsin Statutes, any applicable consumer information assessment imposed by section 100.261 of the Wisconsin Statutes, any applicable domestic abuse assessment imposed section 973.055(1) of the Wisconsin Statutes, and court costs.

(d) Deposits shall be made in cash, money order or certified check to the Town of Turtle Municipal Court. The Municipal Court shall accept the deposit and provide a receipt.

#### **Section 10.15 ISSUANCE OF CITATION.**

- (a) **Law Enforcement Officer.** Any law enforcement officer may issue citations authorized under this Chapter.
- (b) **Town Officials.** The following Town officials may issue citations with respect to those specified Ordinances which are directly related to their official responsibilities:  
  
Zoning Administrator  
Building Inspector  
Superintendent of Highways  
Chief of the Fire Department
- (c) **Delegated Authority.** The Town officials named in subsection (b) above may delegate their authority to issue citations to their subordinates or law enforcement officers, provided such delegation is authorized by the Town Board.

#### **Section 10.16 VIOLATOR'S OPTIONS; PROCEDURE ON DEFAULT.**

Section 66.0113(3), Wis. Stats., relation to violator's options and procedure on default is hereby adopted and incorporated herein by reference.

Law Reference: Section 66.0113(3), Wis. Stats.

#### **Section 10.17 PENALTY PROVISIONS.**

- (a) **General Penalty.** Except as otherwise provided, any person who shall violate any of the



ordinances of the Town of Turtle shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

(1) First Offense. Any person who shall violate any ordinance of the Town of Turtle subject to a penalty shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, together with any applicable assessments imposed by Wisconsin Statutes and court costs.

(2) Second Offense. Any person found guilty of violating any ordinance of the Town of Turtle who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$200 nor more than \$500 for each such offense, together with any applicable assessments imposed by Wisconsin Statutes and court costs.

(3) Third and All Subsequent Offenses. Any person found guilty of violating any ordinance of the Town of Turtle who has previously been twice convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$300 nor more than \$500 for each such offense, together with any applicable assessments imposed by Wisconsin Statutes and court costs.

(4) Failure to Pay. If any person fails to pay any forfeiture assessments, and court costs, the court may make any order for noncompliance authorized by section 800.095(5) of the Wisconsin Statutes including imprisonment not to exceed 90 days.

(b) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(c) **Other Remedies.** The Town of Turtle shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

## **Section 10.18 COLLECTION AGENCY.**

The municipal court, with the approval of the Town Board, may contract with a collection agency for the collection of unpaid forfeitures, assessments, and surcharges under sec. 66.0114(a), Wis. Stats. The contract shall provide that the collection agency shall be paid from the proceeds recovered by the collection agency. The Net proceeds that the municipal court receives

after the payment to the collection agency shall be considered the amount of forfeitures, assessments, and surcharges collected for distribution under 66.011(4)(bm) and (3)(b) and (c), Wis. Stats.

State Law Reference: Section 755.21. Wis. Stats.

## **Chapter 11 - FIRE DEPARTMENT AND FIRE PROTECTION**

### **Section 11.01 FIRE DEPARTMENT.**

(a) **Authority.** The Fire Department of the Town of Turtle is established by the Town Board of the Town of Turtle pursuant to authority granted by the Wisconsin Statutes.